

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, claims 2, 14, 16, and 18 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-19 are pending and under consideration. Reconsideration is respectfully requested.

### **ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116**

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because U.S. Patent No. 6,604,049 to Yokota, which the Examiner applied to the claims, is newly cited in the final Office Action, and Applicant should be provided the opportunity to present patentability arguments and amendments in view thereof.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### **REJECTION UNDER 35 U.S.C. §102(e)**

In the Office Action, at pages 2-6, claims 1, 3-13, 15, 17 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,604,049 to Yokota. This rejection is traversed and reconsideration is requested.

Independent claim 1 of the present invention is directed to an information providing method and recites, in relevant part, "accepting photographed data including photographing position information from a user." The Examiner contends that Yokota teaches this feature at column 3, lines 31-35, which recite "the client apparatus comprises a camera for obtaining image information and a positional information

obtaining device for obtaining positional information about the client apparatus....” Applicant respectfully disagrees. Yokota, at column 4, lines 4-5, recites that the positional information obtaining device is a “means such as a GPS receiver for obtaining positional information about the client apparatus.”

Accordingly, Applicant respectfully submits that, according to Yokota, an electronic device, such as a GPS receiver, provides positional information about the location of the client apparatus, rather than the photographing position. In contrast, in the present invention, the photographing position information accepted relates to the location of the photographing position. For at least this reason, Applicant respectfully submits that independent claim 1 and claims 2-5, 13, and 14 depending therefrom patentably distinguish over the prior art and are condition for allowance.

Independent claims 6-12 and 19, and claims 15-18 depending therefrom also include the feature of “photographing position information.” Accordingly, Applicant respectfully submits that these claims also patentably distinguish over the prior art for at least the reason set forth above.

Regarding claim 3, Applicant further submits that col. 9, lines 45-52 of Yokota teach that a user may use a personal database to store annotations regarding submitted photograph. Claim 3, however, recites that “information for specifying the user along with the photographed data” is accepted. Thus, the photographed data corresponds to the user who photographed the data. Accordingly, Applicant respectfully submits that claim 3 patentably distinguishes over the prior art for at least this reason and those set forth above.

#### **REJECTION UNDER 35 U.S.C. §103(a)**

In the Office Action, at pages 6-7, claims 2, 14, 16 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yokota in view of U.S. Patent No. 6,173,407 to Yoon, et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 2, 14, 16, and 18 are dependent claims. Accordingly, Applicant respectfully submits that these claims are patentable over the prior art for at least the same reasons as the independent claims from which they depend and, thus, are in condition for allowance.

Regarding claims 2, 14, 16, and 18, the Examiner contends that Yoon, et al. teaches an information providing method including the step of calculating an appropriate fee for providing the content. Applicant respectfully disagrees. Col. 7, lines 9-13 of Col. 7, lines 9-13 of Yoon, et al. recite “the web infoshop service system calculates the fee which is charged the user for using the services of the charged content provider through this point-to-point protocol connection.” Thus, Yoon, et al. teaches calculating a fee based on use of service, such as per length of time of use, rather than based on the content provided to the user. Accordingly, claims 2, 14, 16, and 18 have been amended to clarify that the fee is calculated “based on the content provided.” Support for the amendment to these claims can be found at least in the originally filed Specification at page 12, lines 19-22. Accordingly, Applicant respectfully submits that these claims patentably distinguish over the prior art and are in condition for allowance.

## **CONCLUSION**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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